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July 10, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

CC Docket No. 96-45 and **CC Docket No. 02-6**

Subject: **Request for Review**/Appeal of the Universal Service Administrative Company (USAC) Decision

References: USAC Schools and Libraries Division Appeal Decision, dated May 19, 2009 and

Montgomery County School District's Appeal Request to USAC, dated December 2, 2008

To Whom It May Concern;

Montgomery County School District respectfully appeals and requests the FCC review and consider the facts associated with the funding commitment decisions and the subsequent appeal denial issued by USAC and referenced above. This matter has already been appealed by Montgomery County School District to and denied by USAC.

Applicant Name:	Montgomery County School District
Billed Entity Number:	128086
Form 471 Application Number:	592679
Funding Request Numbers:	1661225, 1661255, 1768757

Contact Information:

Name: Niketa Dean
Address: Montgomery Public Schools
515 South Union Street
Montgomery, Alabama 36104
Phone: (334) 269-3830
Fax: (334) 269-3900
Email: Niketa.dean@mps.k12.al.us

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Introduction

Montgomery County Schools disagrees with USAC's Appeal Decision, dated May 19, 2009 (Attachment 1) and asserts that it complied with the competitive bidding

requirements to include the FCC orders and USAC guidance for these funding requests and did not issue “their own RFP for FRNs 1661225, 1661255, and 1768757” as stated in USAC’s appeal decision. The details of this assertion and supporting documentation is outlined below and provided in the attached Letter of Appeal to USAC, dated December 2, 2008, along with its attachments (see Attachment 2).

Discussion

Montgomery Public Schools followed USAC’s guidance (Attachment 3) *for obtaining services from* a multiple award state master contract that had already been competitively bid and put in place by a state government entity for use by others. The state’s 470 and state master contract were in compliance with the 28 day waiting period and met all other competitive bidding requirements. Montgomery Public Schools cited the state’s FCC Form 470 and an associated state master contract on the FCC Form 471 for the referenced funding requests (Attachments 4, 5, & 6, respectively). While quotes from product resellers on the state master contract were requested in order to get and compare pricing, to perform vendor selection, and document the process used as per USAC guidance (see Attachment 2-2 and Attachment 7), the request for quotes were not a new solicitation/RFP but rather activities associated with selecting and documenting the selection of “a specific service provider from among those service providers [on the state master contract], with price of the eligible products and services being the primary factor in its evaluation.” Since the State had already met the 28 day waiting period with the original state contract competitive bidding activity there is no additional waiting period for the state master contract vendor selection process called out in FCC orders or USAC guidance (Attachment 4-7 and Attachment 7).

USAC has concluded that Montgomery County Schools “released their own RFP for FRNs 1661225, 1661255, and 1768757” restarting the competitive process. However, since quotes (not bids) were requested from **only** state master contract vendors for **only** products and services on the multiple award state master contract, and a new Form 470 **was not** posted, Montgomery County Schools asserts this is not the case. In fact, the procedures used by Montgomery County Schools were consistent with USAC’s guidance to seek quotes from vendors when purchasing from a multiple award state master contract. According to USAC’s training presentation for selecting a service provider off of a multiple award state master contract, an applicant must “comply with all FCC Rules regarding vendor selection (i.e. most cost effective, cost-effectiveness, keep vendor score sheet)” and “Retain documentation”. The presentation further states that “If you cannot show that you compared all of the providers based on FCC rules, then your funding may be denied” (Attachment 7). We fail to see how Montgomery County Schools could have shown that they compared all providers based on FCC rules for selecting a vendor from a multiple award state master contract without following the procedures we used to seek quotes from state master contract vendors and document the process.

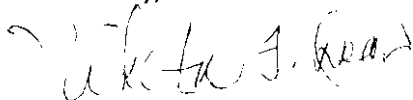
Summary

Montgomery County Schools respectfully requests USAC update its records to reflect the correct reason for denial of these funding commitments to that of “demand exceeded available support.” We believe it is important to correct the record in order

to reflect the correct reason for denial of these funding commitments as we stated in paragraph two of our appeal letter to USAC (Attachment 2). Furthermore, we are concerned that erroneously reporting the reason for denial as related to a competitive bidding issue, may needlessly subject Montgomery Public Schools to extraordinary program integrity scrutiny which may become overly burdensome in the absence of a real cause.

Thank you for your consideration, we greatly appreciate the opportunity to participate in the E-rate program. If you have any questions please contact Niketa Dean at (334) 269-3830.

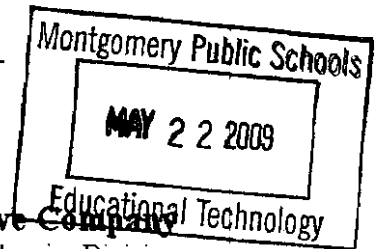
Sincerely,

A handwritten signature in black ink, appearing to read "Niketa J. Dean", is written over a faint, larger version of the same signature.

Niketa Dean
District Technology Coordinator
Voice: (334) 269-3830
Fax: (334) 269-3900

Attachments:

1. USAC Schools and Libraries Division Appeal Decision, dated May 19, 2009
2. Montgomery County School District Appeal Request to USAC, dated December 2, 2008 (with 12 attachments)
3. USAC Schools and Libraries Division, Contract Guidance
4. FCC Form 470, #387610000596350 (Filed by Alabama State Department of Education)
5. Alabama State Department of Education State Master Contracts ALIP2007-0102 & 0103
6. FCC Form 471, #592679
7. USAC Schools and Libraries Division Training Presentation, State Master Contracts & State Replacement Contracts, September/October 2008



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2008-2009

May 19, 2009

Niketa Dean
Montgomery Public Schools
515 South Union Street
Montgomery, AL 36104

Re: Applicant Name: MONTGOMERY COUNTY SCHOOL DIST
Billed Entity Number: 128086
Form 471 Application Number: 592679
Funding Request Number(s): 1661225, 1661255, 1768757
Your Correspondence Dated: December 02, 2008

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2008 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1661225, 1661255, 1768757
Decision on Appeal: **Denied**
Explanation:

- Upon thorough review of the appeal letter and the relevant documentation, USAC has determined that although Montgomery Public Schools cited the state Form 470 application number 387610000596350, they also issued their own RFP for FRNs 1661225, 1661255, and 1768757 (which was a new FRN created to split from FRN 1661255). When issuing an RFP, you are in effect conducting your own bidding process, and need to follow the competitive bidding requirements. The RFPs in this case were issued on December 19, 2007, and the bids were due on January 2, 2008. USAC determined that your RFPs were not available for bidders for the required 28 days and denied your funding requests as you did not comply with the competitive bidding requirement that your RFPs be available to bidders for 28 days. For FRN 1661255 (and 1768757) you indicated that two bids were received, but one bid was received late (on January 2, 2008), and therefore

was rejected. This bid should have been considered, as it was still in compliance with the 28 days of bidding. On appeal, you have failed to provide any evidence that USAC erred in its initial determination or that Montgomery Public Schools is in compliance with the Schools and Libraries support mechanism 28 days competitive bidding requirements. Consequently, your appeal is denied.

In addition, Montgomery Public Schools filed an FCC Form 471 seeking funding for Internal Connections. The discount eligibility indicated on the FCC Form 471 is 80%. The discount level is determined by the discount matrix. For Funding Year 2008, there are not sufficient funds to provide Priority 2 discounts to applicants at your discount rate. Consequently, funding is also denied for this reason.

FCC rules require applicants to "submit a complete description of the services they seek so that it may be posted for competing service providers to evaluate" and formulate bids. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9076, FCC 97-157, para. 570, 575 (rel. May 8, 1997). The applicant's FCC Form 470 should inform potential bidders if there is, or is likely to be, an RFP relating to particular services indicated on the form. To the extent that the applicant also relies on an RFP as the basis of its vendor selection, that RFP must also be available to bidders for 28 days. See Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, et al., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 26423-26424, FCC 03-313, para. 39 (rel. Dec. 8, 2003).

- FCC rules require that where demand for funding exceeds available support, first priority be given to requests for Telecommunications Services and Internet Access. See 47 C.F.R. sec. 54.507(g)(1)(i). FCC rules further require that requests for Internal Connections be given second priority, and be funded only if funds remain after support has been reserved for Telecommunications and Internet Access through all discount levels in a funding year. See 47 C.F.R. sec. 54.507(g)(1)(ii). For schools and libraries that create consortia for the purposes of making funding requests and sharing products and/or services, the discount level is calculated by averaging the applicable discounts of the schools and libraries that are members of the consortia. See 47 C.F.R. sec. 54.505(4). Because discount levels for consortia are determined in this manner, the discount levels for shared products and/or services requests are single discount level percentages rather than the broad discount level percentages for individual schools and libraries as determined by the matrix. See Federal-State Joint Board on Universal Service, CC Docket Nos. 97-21 and 96-45, Fifth Order on Reconsideration in CC Docket No. 97-21, Eleventh Order on Reconsideration in CC Docket No. 96-45 and Further Notice of Proposed Rulemaking, 14 FCC Rcd 6033, FCC 99-49 (rel. May 28, 1999). Where demand for discounts for Internal Connections exceeds available support, FCC Rules require that funding be allocated to the most economically disadvantaged schools and libraries as determined by the matrix. See 47 C.F.R. secs. 54.505(c), 54.507(g)(1)(ii). Consequently, where demand for discounts for Internal Connections exceeds available support, FCC rules require that funding be

awarded first to applicants eligible for a 90 percent discount level, and then at each descending single discount percentage until funds are depleted. *See* 47 C.F.R. sec. 54.507(g)(1)(iii).

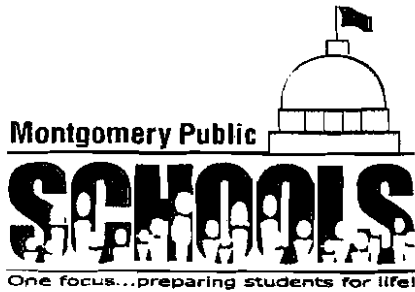
If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Niketa Dean
Montgomery Public Schools
515 South Union Street
Montgomery, AL 36104

Billed Entity Number: 128086
Form 471 Application Number: 592679
Form 486 Application Number:



Superintendent
John Dilworth

307 South Decatur Street
Post Office Box 1991
Montgomery, AL 36102-1991

Board Members
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ATTACHMENT 2
(w/12 attachments
2-1 thru 2-12)

December 2, 2008

Letter of Appeal
Schools and Libraries Division – Correspondence Unit
100 S. Jefferson Rd
P.O. Box 902
Whippany, NJ 07981

Subject: Letter of Appeal to USAC

To Whom It May Concern:

Montgomery County School District is appealing USAC's Funding Commitment Decision Letter dated 10/7/08 (Attachment 1) which denied funding for three 2008 Internal Connections applications (Servers & Distance Learning Equipment) (Application # 592679, FRNs 1661225, 1661255, & 1768757). We recognize that SLD has since denied all 80% and below Priority 2 applications, however we request your consideration in reviewing our appeal for the purpose of changing the "Funding Commitment Decision Explanation" for each of the cited FRNs.

The reasons a review of our appeal should be completed and the Funding Commitment Decision Explanations should be changed for FRNs 1661225, 1661255, and 1768757 is because we feel it is important to ensure these public records reflect the correct information. Additionally, (1) an error was apparently made by the reviewers and it is important USAC correct the reviewers' understanding of the requirements; (2) USAC makes decisions such as selecting sites to receive site visits under the Helping Applicants To Succeed (HATS) program by assessing an applicant's experience and competence based on the funding request denials; and (3) consultants and service providers use USAC's published information about an applicant's filing history to assess an applicant's knowledge and need for assistance causing undue hardship in the event we are contacted.

Name of Billed Entity: Montgomery County School District
Billed Entity Number: 128086

Funding Year: 2008
Funding Commitment Decision Letter: October 7, 2008

471 Application Number: 592679
FRN: 1661225, 1661255, & 1768757 (new FRN split from FRN 1661255)
Service Provider: Information Transport Solutions, Inc.
SPIN: 143008119

Point of Contact: Niketa Dean
Address: 515 S. Union Street
Montgomery, AL 36104
Voice: (334) 269-3830
Fax: (334) 269-3900
E-mail: niketa.dean@mps.k12.al.us

1. Reasons For Denials that are the Subject of This Appeal:

a. FRN 1661225:

"Selective – 28 Day Waiting Vio" "The referenced RFP was not available for 28 days after the filing of the Form 470."

b. FRN 1661255:

"Selective – Bidding Violation" "DR1: The referenced RFP was not available for 28 days after the filing of the Form 470. <><><><><> DR2: FCC rules require applicants to carefully consider all bids and choose the most cost effective solution. Documentation demonstrates that the applicant did not consider all bids. Therefore, the applicant has violated the competitive bidding rules. <><><><><> DR3: Vendor evaluation was performed prior to the required 28-day waiting period which violates program rules. In order to ensure a fair competitive bidding process, the Form 470 and RFP (if applicable) must be posted for 28 days before vendor evaluation can be performed."

c. FRN 1768757:

"Selective – Bidding Violation" "DR2: The referenced RFP was not available for 28 days after the filing of the Form 470. <><><><><> DR3: FCC rules require applicants to carefully consider all bids and choose the most cost effective solution. Documentation demonstrates that the applicant did not consider all bids. Therefore, the applicant has violated the competitive bidding rules. <><><><><> DR4: Vendor evaluation was performed prior to the required 28-day waiting period which violates program rules. In order to ensure a fair competitive bidding process, the Form 470 and RFP (if applicable) must be posted for 28 days before vendor evaluation can be performed."

We will address the background and support information for each of two cited issues separately: 28 Day Violation and Failure to Consider all Bids.

2. 28 Day Violation (FRN 1661225, 1661255, & 1768757):

- a. FOUNDATION FOR OUR APPEAL:** In response to the cited 28 day violation - Montgomery County School District followed all USAC procedures for selecting vendors from a multiple award state contract where "the state files a Form 470" and then the applicant cites the "state's Form 470 on its Form 471."
- b. BACKGROUND INFORMATION:** Montgomery County School District applied for equipment and services from the ALJP2007 State Master Contract citing Form 470 387610000596350 which was filed by the Alabama State Department of Education and where the state followed all competitive bid requirements. Montgomery County School District used USAC's procedures for filing when an applicant cites "the state's Form 470 on its Form 471." Since ALJP2007 is a multiple award contract, Montgomery County School District also followed the guidance provided in the 12/15/06 SLD News Brief (Attachment 2) for purchasing using a multiple award state contract. According to this guidance,

"an applicant cannot simply select any service provider from the contract or schedule. Instead, the applicant must be able to document why it selected a specific service provider from among those service providers, with the price of the eligible products and services being the primary factor in its evaluation."

Therefore, to be able to determine the most cost effective service provider amongst those on ALJP2007 Montgomery County School District requested quotes and qualifications from the awarded contract service providers for products on the awarded contract (Attachment 3a & 3b). Montgomery County School District received the requested quotes, evaluated them based on

established local evaluation procedures, with price as the primary factor, and documented the selection with a memo (Attachment 4a & 4b), as required by SLD guidance. There were no additional state or local procurement requirements. In fact, the state allows applicants to select a service provider from amongst those on the awarded contract without any further vetting of vendors or justification because the vendors have already been awarded the contract and authorized to provide the specified products and services on that contract.

As previously stated Montgomery County School District cited the state's Form 470 where the state had already completed a compliant competitive bid process and a compliant contract was awarded by the state associated with the state's Form 470 and RFP in which the state had waited the requisite 28 days before awarding the contract. According to the published guidance there is no requirement to wait an additional 28 days when selecting a service provider from a multiple award state contract when citing the state's Form 470. The requirement for applicants to document why they selected a specific service provider does not specify any required waiting period for collecting quotes only that the documentation of the vendor selection process occur. Clearly the 28 day period had already been met with the state's posting of the 470 and RFP.

c. ADDITIONAL SUPPORT INFORMATION:

- 1) The procedures used and the cited USAC guidance were all explained to the SRIR reviewer in response to their 7/7/08 and 7/28/08 questions (Montgomery County School District' responses dated 7/14/08 and 8/1/08 (Attachment 5 and 6)).
- 2) The stated procedures were also used and all documentation provided to the SRIR reviewers for FRNs 1685812 and 1685819 which were not denied for violating the 28 day requirement. In fact, these FRNs achieved the preapproval status of "As Yet Unfunded" before they were denied because of the funding cap.
- 3) SLD Case# 21-791639 (Attachment 7) confirmed that our understanding of the guidance for multiple award state contracts is correct and that there is no additional 28 day waiting requirement when requesting quotes from a multiple award state contract when citing the state's Form 470.
- 4) On October 21st, 2008 at the Fall 2008 training session in Atlanta, GA during the State Master Contract session conducted by Ms. Catriona Ayer our consultants asked whether the mini-bid requirement multiple award state contracts referenced in the presentation (Slide 7) included a requirement to wait 28 days after requesting quotes/initiating the mini-bid. Ms. Ayer stated unequivocally that there is no 28 day requirement when conducting "mini-bids".

- d. **CONCLUSION:** Montgomery County School District did not violate the 28 day requirement for selecting service providers for FRNs 1661225, 1661255, & FRN 1768757 because there is no 28 day requirement when an applicant is obtaining products and services from an existing multiple award state master contract citing the state's Form 470. Request the "Funding Commitment Decision" and "Funding Commitment Decision Explanation" for these FRNs be changed as outlined in paragraph 4 below.

3. Failure To Consider All Bids (FRN 1661255 & FRN 1768757):

- a. **FOUNDATION FOR OUR APPEAL:** In response to the cited failure to consider all bids which violated the competitive bidding process – Montgomery County School District considered all quotes that were received by the specified date and time and that date and time were made known to all vendors.
- b. **BACKGROUND INFORMATION:** Montgomery County School District followed the procedures outlined in paragraph 2b above for obtaining products and services from ALJP2007,

the state master contract, citing the state's Form 470. To comply with the requires for selecting a service provider from a multiple award contract as stated above, quotes were sent to the state contract service providers in which Montgomery County School District stated that "All quotes must be provided in Item 21 format, ready for E-rate filing, must clearly identify any equipment or portions ineligible for E-rate funding, and must be submitted via email to arrive not later <than> 4:00 p.m. on January 2, 2008. Quotes/Items 21s received after this time or that are not ready for E-rate filing will not be accepted" (Attachment 8). In response to the request for quotes Montgomery County School District received quotes from the following vendors:

#1 - Information Transport Solutions, Inc. - received on January 2, 2008 at 2:16 p.m., before the stated deadline (Attachment 9a).

#2 - Wire One Communications, Inc. - received on January 2, 2008 at 4:29 p.m., 29 minutes after the stated deadline (Attachment 9b).

Since only the quote received from Information Transport Solutions, Inc., was received by the 4:00 p.m. deadline this was the only quote considered. The quote from Wire One Communications, Inc. was received after the published deadline and was therefore rejected without review or consideration. This was in compliance with the stated requirements that were clearly stated in the Request for Quote sent to all vendors. On January 4th, 2008 an evaluation of the one qualified quote was completed, with price as the primary factor, and Information Transport Solutions, Inc. was selected to provide the required products and services from the ALJP2007 state master contract (Attachment 4b).

c. ADDITIONAL SUPPORT INFORMATION:

- 1) Montgomery County School District followed our established procedures in rejecting the quote that was received after the stated deadline and these procedures were made known to all vendors. When requesting bids or quotes Montgomery County School District typically establishes a deadline to ensure all vendors have the same opportunity to provide the requested information. We have included an extract from one of our previous bids to demonstrate the typical language we use in our bids for this purpose (Attachment 10).
- 2) SLD News Brief dated October 17, 2008 in reference to issuing an RFP (Request for Proposal), states that "You must also clearly indicate any reasons that bidders could be disqualified..." (Attachment 11). Montgomery County School District's Request for Quote clearly stated that all quotes must be received by 4:00 p.m. on January 2nd and that any quotes received after that time would not be accepted.
- 3) In reference to Running an Open and Fair Competitive Bidding Process (Step 3), USAC guidance states that "'Fair' means that all bidders are treated the same and that no bidder has advance knowledge of the project information. 'Open' means there are no secrets in the process - such as information shared with one bidder but not with others - and that all bidders know what is required of them" (Attachment 12). If Montgomery County School District had considered the quote that was received after the stated deadline, Montgomery County School District would have violated the published procedures and treated Information Transport Solutions, Inc. unfairly. In addition to violating USAC procedures Montgomery County School District would have been subject to a possible protest from Information Transport Solutions, Inc. since they complied with all stated requirements and Wire One Communications, Inc., did not.

- d. CONCLUSION:** Montgomery County School District only received one qualified quote since the other was received after the stated deadline. This quote was evaluated, with price as the

primary consideration, and determined to be a cost effective solution. Therefore, Montgomery County School District carefully considered all qualified quotes and chose the most cost effective solution. Montgomery County School District could not consider the quote from Wire One Communications since they failed to comply with the stated deadline and therefore, could not be fairly considered. Montgomery County School District did not violate the competitive bidding rules. Request the "Funding Commitment Decision" and "Funding Commitment Decision Explanation" for these FRNs be changed as outlined in paragraph 4 below.

4. **RECOMMENDATION:** Change the "Funding Commitment Decision" and "Funding Commitment Decision Explanation" for FRNs 1661225, 1661255, and 1768757 as outlined below removing the incorrect reasons for denial based on USAC approval of this appeal:

A. FRN 1661225 -

- i. Change the "Funding Commitment Decision" comments as follows:

Remove: "- Selective - 28 Day Waiting Vio"

- ii. Change the "Funding Commitment Decision Explanation" comments as follows:

Remove: "The referenced RFP was not available for 28 days after the filing of the Form 470."

Replace with: "Given Program demand, the funding cap will not provide for Internal Connections and/or Basic Maintenance of Internal Connections at your approved discount level to be funded."

B. FRN 1661255 -

- i. Change the "Funding Commitment Decision" comments as follows:

Remove: "- Selective - Bidding Violation"

- ii. Change the "Funding Commitment Decision Explanation" comments as follows:

Remove: "DR1: The referenced RFP was not available for 28 days after the filing of the Form 470. <><><><><> DR2: FCC rules require applicants to carefully consider all bids and choose the most cost effective solution. Documentation demonstrates that the applicant did not consider all bids. Therefore, the applicant has violated the competitive bidding rules. <><><><><> DR3: Vendor evaluation was performed prior to the required 28-day waiting period which violates program rules. In order to ensure a fair competitive bidding process, the Form 470 and RFP (if applicable) must be posted for 28 days before vendor evaluation can be performed."

Replace with: "Given Program demand, the funding cap will not provide for Internal Connections and/or Basic Maintenance of Internal Connections at your approved discount level to be funded."

C. FRN 1768757 -

- i. Change the "Funding Commitment Decision" comments as follows:

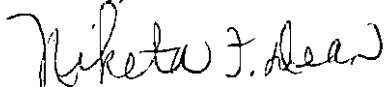
Remove: "- Selective - Bidding Violation"

- ii. Change the "Funding Commitment Decision Explanation" comments as follows:

Remove: "DR2: The referenced RFP was not available for 28 days after the filing of the Form 470. <><><><><> DR3: FCC rules require applicants to carefully consider all bids and choose the most cost effective solution. Documentation demonstrates that the applicant did not consider all bids. Therefore, the applicant has violated the competitive bidding rules. <><><><><> DR4: Vendor evaluation was performed prior to the required 28-day waiting period which violates program rules. In order to ensure a fair competitive bidding process, the Form 470 and RFP (if applicable) must be posted for 28 days before vendor evaluation can be performed."

Thank you for your consideration, we greatly appreciate the opportunity to participate in the E-rate program. If you have any questions please contact Niketa Dean at (334) 269-3830.

Sincerely,



Niketa Dean
District Technology Coordinator
Voice: (334) 269-3830
Fax: (334) 269-3900

Attachments:

1. Funding Commitment Decision Letter, dated 10/7/08 (471 App# 592679) (6 Pages)
2. Schools and Libraries News Brief dated 12/15/2006 (3 Pages)
3. Montgomery County School District Requests for ALJP2007 Quotes
 - a. FRN 1661225 (Servers), Email dated 12/19/07, Subject: Request for ALJP2007 Quote (2 Pages)
 - b. FRN 1661255 & 1768757 (Distance Learning (DL) Equipment), Email dated 12/19/07, Subject: Tandberg Equipment & Installation (Revised) & Four Emails dated 12/14/07, Subject: Tandberg Equipment & Installation Services (7 Pages Total)
4. Montgomery County School District Vendor Selection Memos
 - a. FRN 1661225 (Servers), Montgomery Public Schools Memo for Record dated 1/18/08
 - b. FRN 1661255 & 1768757 (DL Equipment), Email dated 1/4/08, Subject: Tandberg Equipment & Installation (Revised) (3 Pages)
5. Montgomery County School District Letter dated 7/14/08, Subject: Response to SRIR Reviewer's 7/7/08 Request (6 Pages)
6. Montgomery County School District Letter dated 8/1/08, Subject: Response to SRIR Reviewer's 7/28/08 Request (5 Pages)
7. Case 21-791639 Correspondence dated 10/9/08 & 10/10/08 (6 Pages)
8. Montgomery County School District Email (Extract) dated 12/19/08, Subject Tandberg Equipment & Installation (FRN 1661255 & 1768757 DL Equipment) (2 Pages)
9. State Contract Vendor Quotes (FRN 1661255 & 1768757)
 - a. Information Transport Solutions, Inc. Email dated 1/2/08, Subject: Tandberg Equipment & Installation (Revised) (17 Pages)
 - b. Wire One Communications, Inc. Email dated 1/2/08, Subject Tandberg Equipment & Installation (Revised) ERATE Quote and Montgomery County School District Email dated 1/4/08, Same Subject (10 Pages)
10. Montgomery Public Schools Invitation to Bid No. #01-06 (Extract)
11. Schools and Libraries News Brief dated 10/17/2008 (4 Pages)
12. USAC Guidance, Step 3: Run an Open and Fair Competitive Bidding Process



Montgomery Public Schools

OCT 10 2008

Educational Technology and Libraries Division

ATTACHMENT 1

(6 Pages)

FCC Appeal
Attachment 2-1

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2008: 07/01/2008 - 06/30/2009)

October 7, 2008

Niketa Dean
MONTGOMERY COUNTY SCHOOL DIST
515 SOUTH UNION STREET
MONTGOMERY, AL 36104

Re: Form 471 Application Number: 592679
Billed Entity Number (BEN): 128086
Billed Entity FCC RN: 0013118765
Applicant's Form Identifier: MPS#4-Y11IC

Thank you for your Funding Year 2008 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$8,731,275.61 is "As Yet Unfunded."
- The amount, \$449,540.62 is "Denied."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 592679 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2008," AND

- The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Road
P.O. Box 902
Whippany, NJ 07981

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-5 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

FUNDING COMMITMENT REPORT
Billed Entity Name: MONTGOMERY COUNTY SCHOOL DIST
BEN: 128086
Funding Year: 2008

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 592679
Funding Request Number: 1661225
Funding Status: Not Funded
Category of Service: Internal Connections
Form 470 Application Number: 387610000596350
SPIN: 143004340
Service Provider Name: Dell Marketing LP
Contract Number: ALJP2007-0102
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2008
Service End Date: N/A
Contract Award Date: 01/10/2007
Contract Expiration Date: 06/30/2009
Shared Worksheet Number: 930110
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$173,249.96
Pre-discount Amount: \$173,249.96
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$0.00 - Selective - 28 Day Waiting Vio
Funding Commitment Decision Explanation: The referenced RFP was not available for 28 days after the filing of the Form 470.

FCDL Date: 10/07/2008
Wave Number: 026
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2009

Funding Request Number: 1661255
Funding Status: Not Funded
Category of Service: Internal Connections
Form 470 Application Number: 387610000596350
SPIN: 143008119
Service Provider Name: Information Transport Solutions, Inc.
Contract Number: ALJP2007-0103
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2008
Service End Date: N/A
Contract Award Date: 01/08/2007
Contract Expiration Date: 06/30/2009
Shared Worksheet Number: 930110
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$378,650.81
Pre-discount Amount: \$378,650.81

Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision: \$0.00 - Selective - Bidding Violation
Funding Commitment Decision Explanation: DR1: The referenced RFP was not available for 28 days after the filing of the Form 470. <><><><><> DR2: FCC rules require applicants to carefully consider all bids and choose the most cost effective solution. Documentation demonstrates that the applicant did not consider all bids. Therefore, the applicant has violated the competitive bidding rules. <><><><><> DR3: Vendor evaluation was performed prior to the required 28-day waiting period which violates program rules. In order to ensure a fair competitive bidding process, the Form 470 and RFP (if applicable) must be posted for 28 days before vendor evaluation can be performed.

FCDL Date: 10/07/2008
Wave Number: 026
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2009

FUNDING COMMITMENT REPORT
Billed Entity Name: MONTGOMERY COUNTY SCHOOL DIST
BEN: 128086
Funding Year: 2008

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 592679
Funding Request Number: 1685812
Funding Status: As Yet Unfunded
Category of Service: Internal Connections
Form 470 Application Number: 387610000596350
SPIN: 143008119
Service Provider Name: Information Transport Solutions, Inc.
Contract Number: ALJP2007-0101
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2008
Service End Date: N/A
Contract Award Date: 01/05/2007
Contract Expiration Date: 06/30/2009
Shared Worksheet Number: 949464
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges:
Annual Pre-discount Amount for Eligible Non-recurring Charges:
Pre-discount Amount:
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision:

FCDL Date: 10/07/2008
Wave Number: 026
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2009

Funding Request Number: 1685819
Funding Status: As Yet Unfunded
Category of Service: Internal Connections
Form 470 Application Number: 387610000596350
SPIN: 143008119
Service Provider Name: Information Transport Solutions, Inc.
Contract Number: ALJP2007-0103
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2008
Service End Date: N/A
Contract Award Date: 01/08/2007
Contract Expiration Date: 06/30/2009
Shared Worksheet Number: 949464
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges:
Annual Pre-discount Amount for Eligible Non-recurring Charges:
Pre-discount Amount:
Discount Percentage Approved by the USAC: 80%
Funding Commitment Decision:

FCDL Date: 10/07/2008
Wave Number: 026
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2009

FUNDING COMMITMENT REPORT
Billed Entity Name: MONTGOMERY COUNTY SCHOOL DIST
BEN: 128086
Funding Year: 2008

Comment on RAL corrections: The applicant did not submit any RAL corrections.

Form 471 Application Number: 592679
Funding Request Number: 1768757
Funding Status: Not Funded
Category of Service: Internal Connections
Form 470 Application Number: 387610000596350
SPIN: 143008119
Service Provider Name: Information Transport Solutions, Inc.
Contract Number: ALJP2007-0103
Billing Account Number: N/A
Multiple Billing Account Numbers: N
Service Start Date: 07/01/2008
Service End Date: N/A
Contract Award Date: 01/08/2007
Contract Expiration Date: 06/30/2009
Shared Worksheet Number: 930110
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$10,025.00
Pre-discount Amount: \$10,025.00
Discount Percentage Approved by the USAC: 80%

Funding Commitment Decision: \$0.00 - Selective - Bidding Violation
Funding Commitment Decision Explanation: DR1: This is a new FRN. It was split from FRN 1661255. The FRN is denied because product(s)/service(s) are ineligible items and cannot receive funding. This FRN contains the following product(s)/service(s): Tandberg Border Controller, installation, and training. <><><><><> DR2: The referenced RFP was not available for 28 days after the filing of the Form 470. <><><><><> DR3: FCC rules require applicants to carefully consider all bids and choose the most cost effective solution. Documentation demonstrates that the applicant did not consider all bids. Therefore, the applicant has violated the competitive bidding rules. <><><><><> DR4: Vendor evaluation was performed prior to the required 28-day waiting period which violates program rules. In order to ensure a fair competitive bidding process, the Form 470 and RFP (if applicable) must be posted for 28 days before vendor evaluation can be performed.

ECDL Date: 10/07/2008
Wave Number: 026

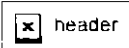
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2009

USAC

Schools and Libraries Division
Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, NJ 07981

TIME SENSITIVE MATERIAL

00006
Niketa Dean
MONTGOMERY COUNTY SCHOOL DIST
515 SOUTH UNION STREET
MONTGOMERY, AL 36104

[Back](#)FCC Appeal
Attachment 2-2

Schools and Libraries News Brief

December 15, 2006

FY2007 WINDOW COUNTDOWN

Days to window close	54
Forms 470 filed to date	16,837
Forms 471 filed to date	941

TIP OF THE WEEK: If you have been reimbursed for all of your eligible services from FY2005 and funds remain on your funding request, please file a Form 500 to return those remaining funds to USAC. Doing so frees up the funding and may allow USAC to make commitments for FY2005 applications that are still pending.

Commitments for Funding Years 2006 and 2005

Funding Year 2006. USAC will release FY2006 Wave 35 Funding Commitment Decision Letters (FCDLs) December 19. This wave will include commitments for approved Internal Connections and Basic Maintenance funding requests at 88% and above. As of December 15, FY2006 commitments total just over \$1.58 billion.

Funding Year 2005. USAC will release FY2005 Wave 65 FCDLs December 18. This wave will include commitments for approved Internal Connections and Basic Maintenance funding requests at 81% and above. As of December 15, FY2005 commitments total just under \$1.85 billion.

USAC will continue to issue weekly funding commitment waves. After noon on the date that the FCDLs are mailed, you can check to see if you have a commitment by using USAC's [Automated Search of Commitments](#) tool.

Service Provider Selection and State Master Contracts Questions from the Field

The [December 8, 2006 News Brief](#) covered the evaluation process used to select a service provider. Before moving on to Form 471 guidance, we would like to spend some time on questions that came up during the fall training about selecting service providers from state master contracts.

What exactly is a state master contract?

A state master contract is a contract that is competitively bid and put in place by a state governmental entity for use by others.

What is a state replacement contract?

Some state master contracts expire before or during the funding year for which applicants are

applying. A state replacement contract is a state master contract that replaces an existing state master contract but that may be competitively bid, negotiated, and/or signed after the close of the Form 471 application filing window. Under certain circumstances, applicants can apply for services covered under a state replacement contract if they and the state follow USAC's state replacement contract procedures.

For a state master contract, who should file the Form 470 — the state or the individual applicant?

Either the state or the individual applicant can file a Form 470.

- If the state files the Form 470, individual applicants that purchases from the resulting state contract can cite that Form 470 on their Form 471 funding requests, assuming that their type of entity is indicated in Item 16b of the Form 470. (If this is your situation, refer to the question below about contracts resulting from state-posted Forms 470.)
- If the applicant files the Form 470, the applicant can consider the state master contract as a bid response. In this case, if the applicant chooses the state master contract as the most cost-effective solution, the applicant should record the date that the state master contract was chosen as the "contract award date" (Item 18 on the Form 471 funding request).
- In general, it does not present a problem if both the state and the applicant file a Form 470. However, the applicant must indicate the Form 470 that was actually used as the basis for the competitive bidding process (the "establishing" Form 470) on its Form 471 funding request(s).

How do I know that a state master contract will meet FCC requirements?

In general, this is not an issue for an applicant that files a Form 470 and chooses a state master contract as the most cost-effective solution. However, under certain conditions, problems may occur if the state files a Form 470. (Assume in the following situations that only the resulting contract is at issue — in other words, state and local procurement regulations were followed, the Form 470 was posted for the correct category of service, etc.)

- If the state-filed Form 470 resulted in a contract with a single service provider, an applicant can choose that contract without having to justify its selection of that service provider.
- If the state-filed Form 470 resulted in contracts with multiple service providers or a multiple award schedule, an applicant cannot simply select any service provider from the contract or schedule. Instead, the applicant must be able to document why it selected a specific service provider from among those service providers, with the price of the eligible products and services being the primary factor in its evaluation. This process must be documented in the same way that an applicant must document its selection process when it files its own Form 470. (Note that in some cases — for example, if each of the service providers serves a unique geographical area of the state — there is not really a choice of service providers even though there are multiple contracts. In such cases, applicants must keep appropriate documentation of their circumstances.)
- If the state-filed Form 470 resulted in terms and conditions but not prices, this does not meet FCC requirements. In this situation, an applicant must file its own Form 470 and conduct a competitive bidding process to select its service provider.
- For situations where a state master contract will expire either before or during the

funding year, the state **must** be the entity that files the Form 470 in order to establish a state replacement contract (see above) and all of the state replacement contract procedures must be followed. Otherwise, any contract that will be in effect during the funding year must be signed before the Form 471 is filed and the window closes.

How do I choose a service provider from a state master contract?

You can follow the guidance from the previous question to make your selection and, if necessary, to be prepared to justify your selection. In addition, some state master contracts may impose additional requirements such as the preparation of purchase orders, letters of intent, or other documents. Under FCC rules, you must comply with state and local procurement rules and regulations and competitive bidding requirements.

How do I know if I am eligible to purchase from a state master contract?

In general, entities such as public schools and public libraries are eligible to purchase from state master contracts. In some states, other entities may also be eligible. Because the rules and regulations for eligibility may vary from state to state, you should check any requirements with the appropriate agency in your state.

Topical Index for News Briefs

USAC has completed development of a topical index for all of the Schools and Libraries News Briefs. Now, each Friday when a News Brief is issued, the topical list and the chronological list will both be updated so that users can search past issues for guidance on specific topics. If you prefer to search by date, there is also a chronological list of News Briefs under the "By Date" tab.

Holiday Contact Procedures in Effect

From December 15, 2006 through January 5, 2007, USAC's Winter Contact Procedure is in effect. That means that USAC must make a successful two-way contact before it can enforce its Deadlines for Information Requests. Please verify that your contact information is current on your forms and in USAC's database so that USAC can continue processing your forms and requests. This includes any holiday and vacation contact information on Item 6f of the Form 471.

You may download and print copies of Schools and Libraries News Briefs on USAC's website. You may subscribe to or unsubscribe from this news brief. For program information, please visit the Schools and Libraries area of the USAC website, submit a question, or call us toll-free at 1-888-203-8100. Feel free to forward this news brief to any interested parties.

Please do not reply to this email directly, as it was sent from an unattended mailbox.

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Back

FCC Appeal Attachment 2-3a

From: Parker, Buddy
Sent: Wednesday, December 19, 2007 2:20 PM
To: 'rgallups@teklinks.com'; 'mcmahan@iscorporation.com'
Subject: Request for ALJP2007 Quote

App# 592679
 FRN 1661225
 (2 Pages)

(State Contract
 Request for
 Quotes)

We are seeking quotes for Dell servers to be purchased from the Alabama Joint Purchasing Agreement (ALJP) 2007 state master contract for the purpose of upgrading our DHCP, DNS & Email servers and to file for Erate funding in the 2008 Funding Year. If you are interested in providing a quote to Montgomery Public Schools you will need to provide a quote/Item 21 for the following equipment or requirement:

Number of DHCP/DNS Servers: 60 (provide pricing for a single server)

Base Unit:	Quad Core Xeon E5405 Processor 2x6MB Cache, 2.0GHz, 1333MHz FSB, PE1950 (223-4954)
Processor:	Quad Core Xeon E5405 Processor 2x6MB Cache, 2.0GHz, 1333MHz FSB, PE1950 (311-8041)
Memory:	4GB 667MHz (4X1GB), Dual Ranked Fully Buffered DIMMs (311-6154)
Keyboard:	No Keyboard Selected (310-5017)
Video Card:	Broadcom Dual Port TCP/IP Offload Engine Key Not Enabled (430-1748)
Video Memory:	Riser with 2 PCIe Slots for PowerEdge 1950 (320-4648)
Hard Drive:	160GB 7.2K RPM Serial ATA 3Gbps 3.5-in HotPlug Hard Drive (341-3036)
Hard Drive Controller:	PERC6i SAS RAID Controller 2x4 Connectors, Int, PCIe 256MB Cache (341-5781)
Operating System:	No Operating System (420-6320)
Mouse:	Mouse Option None (310-0024)
NIC:	Dual Embedded Broadcom NetXtreme II 5708 Gigabit Ethernet NIC (430-1762)
Modem:	Dell Remote Access Card, 5th Generation for PowerEdge Remote Management (313-3936)
CD-ROM or DVD-ROM Drive:	24X IDE CD-RW/DVD ROM Drive for PowerEdge Servers, All OS (313-3918)
Sound Card:	Bezel for PE 1950 (313-3937)
Speakers:	1x2 Backplane for 3.5-inc Hard Drives (311-7958)
Documentation Diskette:	Electronic Documentation and OpenManage CD Kit, PE1950 (310-7982)
Additional Storage Products:	160GB 7.2K RPM Serial ATA 3Gbps 3.5-in HotPlug Hard Drive (341-3036)
Feature:	Integrated SAS/SATA RAID 1 PERC 6/i Integrated/SAS6/iR (341-5776)
Feature:	Sliding Rapid/Versa Rails and Cable Management Arm, Universal (341-3090)
Service:	Dell Hardware Warranty Plus Onsite Service Initial YR (984-1519)
Service:	HPCC Enterprise Support: 4 Hour 7x24 Onsite Service with Emergency Dispatch, Init YR (970-3690)
Service:	Dell Hardware Warranty, Extended YR (984-1528)
Service:	HPCC Enterprise Support: 4 Hour 7x24 Onsite Service with Emergency Dispatch, 2 YR Ext (980-7502)
Service:	HPCC Enterprise Support: 7x24 Escalation Manager, Hw/Sw Tech Phone Support, Enterprise Command Center, 3Yr (960-7882)
Installation:	On-Site Installation Declined (900-9997)
Misc:	Redundant Power Supply with Dual Cords (310-9928)

Number of Email Servers: 2 (provide pricing for a single server)

Base Unit:	PowerEdge R900, 2x Quad Core E7320 Xeon, 2.13GHz, 8M Cache 80W, 1066Mhz FSB (223-4225)
Processor:	Upgrade to Four Quad Core E7320 Xeon, 2.13GHz, 4M Cache 80W, 1066Mhz FSB (310-9795)
Memory:	8GB Memory, 4x2GB, 667MHz (311-8156)
Hard Drive:	300GB 15K RPM Serial-Attach SCSI 3Gbps 3.5-in HotPlug HardDrive (341-4424)
Operating System:	No Operating System (420-6320)
NIC:	Standard On-Board Networking Ports Only (430-8991)
CD-ROM or DVD-ROM Drive:	24x CD-RW/DVD, Internal (313-4636)
Sound Card:	PowerEdge R900 Active Bezel (313-5828)
Speakers:	1X5 SAS Backplane, for 3.5 Inch SAS Hard Drives only PowerEdge R900 (311-7862)
Documentation Diskette:	PowerEdge R900 No Documentation (310-9845)
Additional Storage Products:	300GB 15K RPM Serial-Attach SCSI 3Gbps 3.5-in HotPlug HardDrive (341-4424)
Feature:	Internal PERC RAID Controller RAID 5 config (341-5671)

Feature:	PERC6i SAS RAID Controller Internal with Battery (341-5699)
Feature:	Rapid Rails for Dell Racks (310-9842)
Service:	Dell Hardware Limited Warranty Plus On Site Service Extended Year (989-0348)
Service:	Basic: Business Hours (5X10) Next Business Day On Site Hardware Warranty Repair 2 Year Extended (984-5892)
Service:	Dell Hardware Limited Warranty Plus On Site Service Initial Year (989-0387)
Service:	Basic: Business Hours (5X10) Next Business Day On Site Hardware Warranty Repair Initial Year (985-2000)
Service:	DECLINED CRITICAL BUSINESS SERVER OR STORAGE SOFTWARE SUPPORT PACKAGE-CALL YOUR DELL SALES REP IF UPGRADE NEEDED (989-0329)
Installation:	On-Site Installation Declined (900-9997)
Misc:	Power Cord, C13 to C14, PDU Style, 10 amps, 6 feet / 2 meter (310-8512)
Misc:	Power Cord, C13 to C14, PDU Style, 10 amps, 6 feet / 2 meter (310-8512)
Misc:	300GB 15K RPM Serial-Attach SCSI 3Gbps 3.5-in HotPlug HardDrive (341-4424)
Misc:	300GB 15K RPM Serial-Attach SCSI 3Gbps 3.5-in HotPlug HardDrive (341-4424)
Misc:	300GB 15K RPM Serial-Attach SCSI 3Gbps 3.5-in HotPlug HardDrive (341-4424)

Bidders are required to provide the following information, as a minimum, with their quote:

- E-rate SPIN
- Break out the pricing for the 2 year extended warranty (ineligible for E-rate funding) for each server

All quotes must be provided in Item 21 format, ready for E-rate filing, clearly identify any equipment or portions ineligible for E-rate funding, and must be submitted via email to arrive not later 4:00 p.m. on **January 2, 2008**. Quotes/Item 21s received after this time or that are not ready for E-rate filing will not be accepted. Quotes must remain valid until a decision on the E-rate funding request is rendered or the vendor is informed that we do not intend to proceed with the purchase.

After January 2, 2008 Montgomery Public Schools will select a single vendor that is able to best meet the district's needs and able to provide a combined solution from the ALJP 2007 contract for the requested Dell servers. Evaluation criteria that may be used to select a vendor are: Price (the primary factor), technical expertise, experience, management plan, ability to meet our requirements, etc.

Please contact me in writing, via email, if you have any questions.

Thank you,

Buddy Parker
 Director, Information Technology
 Montgomery Public Schools
 Email: Buddy.Parker@mps.k12.al.us
 Phone: (334) 223-6820

Dean, NiketaFCC Appeal
Attachment 2-3bATTACHMENT 3b
(7 pages)

From: Dean, Niketa
Sent: Wednesday, December 19, 2007 9:29 AM
To: info@its-networks.com; Chris.keller@wireone.com; jjohnson@isitn.com; djacobs@digitalconnections.com
Subject: Tandberg Equipment & Installation (Revised)
Importance: High

App# 592679
 FRN 1661255
 (7 pages)
 (State Contract
 Requests for Quote)

We are seeking quotes for Tandberg equipment/components, installation and training services and first year warranty to be purchased off of the Alabama Joint Purchasing Agreement (ALJP) 2007 state master contract for the purpose of obtaining distance learning equipment for our schools and to file for E-rate funding in the 2008 Funding Year. If you are interested in providing a quote to Montgomery Public Schools and are able to provide a combined solution you will need to provide a quote/Item 21 for the following equipment or requirement (include installation, first year warranty, and training):

<u>Quantity</u>	<u>Description of Requirement or Model</u>
22	Mobile Classroom Unit - Mediaplace 990 MXP with Natural Presenter Package & Multisite Option, & 2 Mbps Option, or comparable solution
2	GateKeeper - Ability to assign E164 alias'; Bandwidth management; Scalability or expansion.
1	Border Controller – Ability to apply seamless firewall traversal; Bandwidth management; Neighboring capabilities; Ease of use and management.

Also, quote the percentage (%) off of the list price identified in the ALJP contract for any equipment not listed, in the event additional requirements are identified.

All quotes must be provided in Item 21 format, ready for E-rate filing, must clearly identify any equipment of portions ineligible for E-rate funding, and must be submitted via email to arrive not later 4:00 p.m. on **January 2, 2008**. Quotes/Item 21s received after this time or that are not ready for E-rate filing will not be accepted. All quotes must remain valid until a decision on the E-rate funding request is rendered or the vendor is informed we do not intend to proceed with the purchase.

After **January 2, 2008**, Montgomery Public Schools will select a single vendor that is able to best meet the district's needs and able to provide a combined solution from the ALJP 2007 contract for the requested Tandberg equipment/components, first year warranty, and installation and training services. Evaluation criteria that may be used to select a vendor are: Price (the primary factor), technical expertise, experience, management plan, ability to meet our requirements, etc.

Please contact me in writing, via email, if you have any questions.